

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

☐ Eastern (Jackson) DIVISION
☒ Western (Memphis) DIVISION

Alexis Aguiore

Plaintiff,

vs.

General Construction Services

Defendant.

No. _____

COMPLAINT

1. This action is brought for discrimination in employment pursuant to *(check only those that apply)*:

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

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Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 – 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102 -166)

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

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Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 – 12117 (amended by the ADA Amendments Acts of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 1102-166).

NOTE: In order to bring a suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

JURISDICTION

2. Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under Tennessee law.

PARTIES

3. Plaintiff resides at:

1286 Chatman Way
STREET ADDRESS
Shelby TN 38018 (901) 376-5894
County State Zip Code Telephone Number

4. Defendant(s) resides at, or its business is located at:

5324 Crestview Rd
STREET ADDRESS
Shelby Memphis TN 38134 TN 38134
County City State Zip Code

NOTE: If more than one defendant, you must list the names, address of each additional defendant.

5. The address at which I sought employment or was employed by the defendant(s) is:

4892 English Towne Drive Memphis, TN 38128

STREET ADDRESS

Shelby County, Memphis City, TN State, 38128 Zip Code

6. The discriminatory conduct of which I complain in this action includes (*check only those that apply*)

- ☐ Failure to hire
- ☒ Termination of my employment
- ☐ Failure to promote
- ☐ Failure to accommodate my disability
- ☒ Unequal terms and conditions of my employment
- ☒ Retaliation
- ☒ Other acts(*specify*): Sexual Harassment

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

7. It is my best recollection that the alleged discriminatory acts occurred on:
From -03-05-2013 - to 06-21-2013
Date(s)

8. I believe that the defendant(s) (*check one*):

- ☐ is still committing these acts against me.
- ☒ is not still committing these acts against me.

9. Defendant(s) discriminated against me based on my:
(*check only those that apply and state the basis for the discrimination. For example, if religious discrimination is alleged, state your religion. If racial discrimination is alleged, state your race, etc.*)

☐ Race _____

☐ Color _____

☒ Gender/Sex _____

☐ Religion _____

☐ National Origin _____

☐ Disability _____

☐ Age. If age is checked, answer the following:
I was born in _____. At the time(s) defendant(s) discriminated against me.

I was [] more [] less than 40 years old. (check one)

NOTE: Only those grounds raised in the charge filed the Equal Employment Opportunity Commission can be considered by the federal district court.

10. The facts of my case are as follows:

I am attaching the written statement of Sexual Harassment. I want to also state that management did know about the harassment and discrimination because I told them and I told Julie the secretary and her job was to tell the owner and management. She assured me that she would tell the owner and set up with

(Attach additional sheets as necessary)

NOTE: As additional support for your claim, you may attach to this complaint a copy of the

a meeting with him. 4 I met with him and he already knew the facts he said he would investigate. Four days later I was wrongfully terminated.

Written Statement of Sexual Harassment: Alexis Aguirre

Response to Question No.'s 5, 6, 7, and 8

My employment is as an asbestos worker at General Construction Services. I have been working there since February 22, 2013. I started working with my first supervisor, Pete. Everything went well until I got transferred to a different crew.

After three to four weeks from working there, some of the new crew and two of my supervisors began to harass me sexually. The supervisors and co-workers who harass me are Alfredo Morales, Tyrone Brown, Pascual Colque, Euler Garcia, Emilio Granados, Howard Anthony, Rafael Barrientos, Angel Hernandez, Martin Rodriguez, Jose Sanchez, James and Harold. They used profanity, questioned me about my sexual orientation and my sexual preferences, and made sexual comments and sexual advances at work towards me. They also made gross remarks about my sexual intimacies with my girlfriend.

My supervisor Alfredo Morales and my co-worker Martin Rodriguez told me one day that I was too pretty to like girls and that they would pay me to wear a skirt and a wig. Martin Rodriguez said that my supervisor Alfredo Morales said that he is in love with me and to stop working because he would provide for me. Martin Rodriguez also said that he would pay \$15,000 for me to have his baby.

Another of my co-workers, Harold, said that I'm too pretty to not like penis. He also said that how do I know I don't like it if I have not try it. Another of my co-workers, Pascual Colque said that I can eat "two heads" by myself, referring to a sexual vibrator. Another co-worker, James, said: "Why the hell you want to be a boy for? You are a pretty little damn thing".

Mario Sanchez (co-worker) said that they were thinking of switching me to a different supervisor because my supervisor Alfredo Morales said that I would not give it up to him.

My co-worker Emilio Granados showed me pornography on his cell phone, knowing that I do not like that. The supervisors were there and did not say anything about it. Another day, one of my co-workers walked almost naked in front of me on one of our work sites on purpose and told me to look. One of my supervisors, Chavia Morales, said that I had to stay there.

They also have touched me around the shoulders, waist, face, cheeks and around my neck. My co-worker Martin Rodriguez touched my face while saying if I would like to have a mustache. Another of my co-workers, Ronald, called me babe and touched me after I told him not to touch me or call me babe. My co-worker Euler Garcia smacked my behind and one of the other co-workers pulled down my shirt by the collar. I would tell them to stop and slap their hands away. I would also push them away or walk away. One day, after I asked several times not to, they taped my feet up together in my asbestos suit and threw me on the ground.

Sometimes I told them immediately to stop. Sometimes I would stay quiet, otherwise, they would just continue harassing me and it would get worse.

I am also afraid that my supervisor Tyrone Brown has been stalking me, since on Monday, June 10, 2013, he told me everything I did after work past Friday evening. That same day, I complained to my supervisor Kevin about the incident with Mr. Brown. On June 17, 2013, I talked to the Project Manager of the company, Martyn Hammond, about the same incident, but he did not believe me. Instead, he switched the subject to reprimand me for being late, being an accident prone and for horseplaying with other co-workers. I admit I have been late once or twice, but other co-workers have also been late and they do not get reprimanded or sent home like they have done to me. I also said that I have not horseplayed with anyone, but he did not believe me either. He sent me home that day, only me.

The harassment occurred at the job sites, at the shop, or in the truck on our way to job sites. The harassment occurred all day during my shift, every day I work, which is from Monday through Friday and every other Saturday. Also in our work truck there is a poster of a naked girl everywhere.

I have witnesses who have presence these incidents. They are my co-workers Michael Brownee, BJ, Eric, Paul and also my first supervisor Pete. BJ said that the reason my supervisor Tyrone Browne told me, in front of the rest of the co-workers, that he knew everything I did after work, was because I was all up on my girlfriend and not on him. Paul, in charge of safety, was the one who told the other supervisors and co-workers to leave me alone when they taped my feet together and threw me on the ground.

I feel angry, hurt, fear, embarrassed and ashamed about this situation. I was first told that I was going to be moved to another job because they said that I am a liability for them. They said that I am too gentle and that I need to be moved to a lighter job because the supervisors are not going to lose their job on my behalf. They were also cutting my hours by sending me home early. On June 21, 2013, the Project Manager, Martyn Hammond, fired me because of "Abandonment of Job". That is not true. I have recordings that on June 20, 2013, after 3 hours and 38 minutes from starting my shift that day, my supervisor James yelled at me and sent me home for supposedly being 6 to 15 minutes late. I was only 5 minutes late. Another co-worker came late that same day, but he was not sent home nor reprimanded, only me. I tried to explain the situation to Mr. Hammond, but he did not want to listen to me.

charge filed with the Equal Employment Opportunity Commission or the Tennessee Human Rights Commission.

11. It is my best recollection that I filed a charge with the Tennessee Human Rights Commission regarding defendant's alleged discriminatory conduct on: ~~8-22-13~~
12. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 8-22-13
Date

Only litigants alleging age discrimination must answer Question #13.

13. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct. *(check one):*

- ☐ 60 days or more have elapsed
- ☐ Less than 60 days have elapsed.

14. The Equal Employment Opportunity Commission *(check one):*

- ☐ has not issued a Right to Sue Letter.
- ☒ has issued a Right to Sue letter, which I received on 10-3-2014.
Date

NOTE: *This is the date you received the Right to Sue letter, not the date the Equal Employment Opportunity Commission issued the Right to Sue letter.*

15. Attach a copy of the Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

NOTE: *You must attach a copy of the right to sue letter from the Equal Employment Opportunity Commission.*

16. I would like to have my case tried by a jury:

- ☒ Yes
- ☐ No

WHEREFORE, plaintiff prays that the Court grant the following relief:

- ☐ direct that the Defendant employ Plaintiff, or
- ☐ direct that Defendant re-employ Plaintiff, or
- ☐ direct that Defendant promote Plaintiff, or
- ☒ order other equitable or injunctive relief as follows: Sexual
Harassment Training, Not retaliate
- ☒ direct that Defendant pay Plaintiff back pay in the amount of approximately \$60,000
and interest on back pay;
- ☒ direct that Defendant pay Plaintiff compensatory damages: Specify the
amount and basis for compensatory damages: \$100,000.00
I also want punitive damages of \$100,000.00


SIGNATURE OF PLAINTIFF

Date: 12-29-16

1286 Chatman Way
Address

Cordova TN 38018

901 376-5894
Phone Number